

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE PROFESSIONAL ENGINEER SECTION OF THE
EXAMING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS
IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

RICHARD B. KLEIN,
RESPONDENT

FINAL DECISION AND ORDER
LS 9912161ENG

Division of Enforcement Case No. 99 ENG 023

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

*Richard B. Klein
1200 South Swinton Avenue
Delray Beach, FL 33444*

*Professional Engineer Section
PO Box 8935
Madison, WI 53708-8935*

*Department of Regulation and Licensing
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935*

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Professional Engineer Section. The Section has reviewed this Stipulation and considers it acceptable.

Accordingly, the Section in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Richard B. Klein (D.O.B. 06/14/56) is duly licensed to practice as a Professional Engineer in the state of Wisconsin (license #25917). This license was first granted on October 28, 1988.
2. Mr. Klein's most recent address known to the Department of Regulation and Licensing Division of Enforcement is 1200 South Swinton Avenue, Delray Beach, FL 33444.
3. On or about February 5, 1999, the Florida Board of Professional Engineers filed an Administrative Complaint against Respondent. The basis for the Florida complaint alleged negligence in the practice of engineering by respondent to utilize due care in performing in an engineering capacity. A true and correct copy of the Florida Administrative Complaint is attached to this document as Exhibit A. Exhibit A is incorporated by reference into this document.
4. On or about July 2, 1999, the Florida Board of Professional Engineers issued a Final Order accepting respondent's Petition for Voluntary Relinquishment of his Florida engineer license in resolution to the Administrative Complaint referred to in paragraph 3, above. A true and correct copy of Respondent's Petition for Voluntary Relinquishment of License and Florida's July 2, 1999 Final Order is attached to this document as Exhibit B. Exhibit B is incorporated by reference into this document.
5. In resolution of this matter, Richard B. Klein consents to the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Professional Engineer Section has jurisdiction over this matter, pursuant to sec. 443.11, Stats.
2. The Wisconsin Professional Engineer Section is authorized to enter into the attached stipulation, pursuant to sec. 227.44(5), Stats.
3. The conduct described above constitutes a basis for discipline against Respondent's license to practice as a Professional Engineer in the state of Wisconsin, pursuant to sec. 443.11(1), Stats. and Wisconsin Administrative Code § A-E 8.03(3).

ORDER

A. NOW, THEREFORE, IT IS HEREBY ORDERED that the attached Stipulation is accepted.

B. IT IS FURTHER ORDERED that the Wisconsin license of Richard B. Klein is LIMITED as follows:

1. Prior to engaging in the practice of engineering in Wisconsin, Respondent shall submit and obtain approval by the Section of a plan of supervision involving Respondent's Wisconsin practice. Any plan of supervision shall include periodic random in-person assessments and evaluations of respondent's practice as well as a written record of all supervisory activities undertaken for the Respondent. The Section may in the exercise of its discretion require respondent to appear personally before the Section to answer questions related to his intended practice in Wisconsin. The refusal to approve a plan of supervision under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of secs. 227.01(3) and 227.42, Stats. Section approval of a plan of supervision shall not be unreasonably denied.

2. Respondent shall arrange for reports from his supervisor evaluating his work performance on a schedule as determined by the Section. These reports shall be submitted to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement. The supervisor shall report **immediately** to the Department Monitor any violation or suspected violation of Wisconsin law.

3. Any plan of supervision, petition or report submitted under this order shall be submitted to:

Department Monitor

Division of Enforcement

PO Box 8935

Madison, WI 53708-8935

FAX (608) 266-2264

TEL. (608) 267-7139

4. Respondent shall immediately surrender all indicia of Wisconsin registration to the Department Monitor. The Department shall reissue registration credentials to Respondent marked "limited."

5. Within ninety (90) days from date of this Order, the Respondent shall pay to the Department of Regulation and Licensing partial COSTS of the investigation and prosecution of this action in the sum of ONE HUNDRED dollars [\$100.00]. Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and submitted to the Department Monitor.

6. At any time following three [3] years from the effective date of this Order, Respondent may petition for removal of any or all of the limitations imposed by this Order. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of secs. 227.01(3) and 227.42, Stats.

C. Violation of any of the terms of this Order or the conditions imposed as a result of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license; the Section in its discretion may in the alternative impose additional conditions and limitations and/or other additional discipline for a violation of any of the terms of this Order.

D. This Order shall become effective on the date of its signing.

PROFESSIONAL ENGINEERS SECTION

EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS DESIGNERS AND LAND SURVEYORS

By:

Nancy Sobezak

March 3, 2000

A Member of the Board

Date